

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #13	CCRB Case #: 201601307	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/17/2016 10:30 PM	Location of Incident: [REDACTED]	Precinct: 48	18 Mo. SOL 8/17/2017	EO SOL 8/17/2017	
Date/Time CV Reported Wed, 02/17/2016 11:57 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 02/17/2016 11:57 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Luis Alicea	09537	951489	048 PCT
2. POM John Zidek	10714	952370	048 PCT
3. SGT Chase Maneri	03107	945948	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ramon Rodriguez	13884	949563	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Chase Maneri	Abuse: SGT Chase Maneri stopped § 87(2)(b)	[REDACTED]
B.POM John Zidek	Abuse: PO John Zidek stopped § 87(2)(b)	[REDACTED]
C.POM Luis Alicea	Abuse: PO Luis Alicea stopped § 87(2)(b)	[REDACTED]
D.POM Luis Alicea	Abuse: PO Luis Alicea threatened § 87(2)(b) with the use of force.	[REDACTED]
E.POM Luis Alicea	Abuse: PO Luis Alicea searched § 87(2)(b)	[REDACTED]

Case Summary

On February 18, 2016, § 87(2)(b) filed this complaint via the CCRB Call Processing System.

On February 17, 2016, at approximately 10:30 p.m., § 87(2)(b) exited her apartment building located at § 87(2)(b), in the Bronx. She stood outside to wait for her daughter, who was being dropped off from a school trip. She walked over to a bodega located at the corner of Boston Road and East Tremont Avenue, approximately § 87(2)(b) away, to buy a snack. After purchasing her snack, she walked directly back to § 87(2)(b), and waited in front.

At this time, a marked police car pulled up in front of the building and stopped. There were three officers inside: PO Luis Alicea, PO John Zidek, and SGT Chase Maneri, all assigned to the 48th Precinct. PO Alicea and SGT Maneri exited the vehicle, approached § 87(2)(b) placed her in handcuffs, and brought her to the car (**Allegation A, B, and C**). The officers drove her several blocks away and parked. PO Alicea, seated in the back seat with § 87(2)(b) began to question her about drugs, and said that they knew she had drugs on her. § 87(2)(b) denied that she was in possession of drugs, and PO Alicea told her that they could take her back to the stationhouse and search her there. He then allegedly told her that they would search her vagina (**Allegation D**). After that, PO Alicea searched the pockets of her coat (**Allegation E**).

§ 87(2)(b) was released soon after that. The officers apologized to her, and offered her a ride home, which she refused. PO Alicea later completed a voided arrest report to document the incident.

Video Footage

- Video footage from § 87(2)(b) was obtained from NYCHA; however, it did not cover any of the disputed parts of the incident.

Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) during her interview, and again later over the phone. § 87(2)(b) rejected mediation, stating that she was not interested in seeing the officers.
- As of April 19, 2016, the Office of Court Administration has no record of any criminal convictions for § 87(2)(b) (Board Review 01).
- As of March 18, 2016, the New York City Comptroller's Office has no record of any Notice of Claim related to this incident (Board Review 02).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 03).
- SGT Maneri has been the subject of nine CCRB allegations in five cases aside from this one, during his eight year tenure with the NYPD. Of these, six concern abuse of authority, although an improper stop has never been alleged against SGT Maneri. Four of the allegations against SGT Maneri have been closed as unsubstantiated, and five have yet to be closed. There are no substantiated allegations against SGT Maneri. § 87(2)(g) (Board Review 04).
- PO Zidek has been a member of service for four years and this is the first time he has been the subject of a CCRB allegation (Board Review 05).

- PO Alicea has been a member of service for four years and this is the first time he has been the subject of a CCRB allegation (Board Review 06).

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) alleged that she was searched by PO Zidek. PO Zidek denied searching her and no other officers corroborated that he searched her. PO Alicea admitted that he searched § 87(2)(b) and SGT Maneri corroborated this. As such, the search is being pled against him.

Allegation A – Abuse of Authority: SGT Chase Maneri stopped § 87(2)(b)

Allegation B – Abuse of Authority: PO John Zidek stopped § 87(2)(b)

Allegation C – Abuse of Authority: PO Luis Alicea stopped § 87(2)(b)

It is undisputed that § 87(2)(b) was stopped by SGT Maneri, PO Zidek, and PO Alicea. § 87(2)(b) stated that she walked from § 87(2)(b) to a corner bodega, where she purchased a bag of Cheetos. She then returned and stood in front of § 87(2)(b) when she was approached by the officers (Board Review 07).

The officers consistently stated that § 87(2)(b) was stopped because she matched the description of a drug buyer who had been identified by the officer assigned to an observation post, PO Ramon Rodriguez. PO Zidek (Board Review 08), PO Alicea (Board Review 09), SGT Maneri (Board Review 10), and PO Rodriguez (Board Review 11) were working a SNEU operation. PO Rodriguez was set up across the street from the bodega, and observed a woman, who he described as a light skinned, short, blonde woman, exchange money for a small object with a man inside the bodega. The woman then left the bodega and walked in the direction of § 87(2)(b). PO Rodriguez relayed this information to SGT Maneri. All officers were reasonably consistent in their recollection of the description provided by PO Rodriguez.

SGT Maneri relayed the description to PO Zidek and PO Alicea, and they all went immediately to § 87(2)(b) to apprehend the buyer. When they arrived they saw § 87(2)(b) standing outside of § 87(2)(b). § 87(2)(b) is a white-Hispanic female, 5' tall, with blond hair. Believing that she was the woman described by PO Rodriguez, the officers stopped her. Later on, after SGT Maneri sent a cell phone picture of § 87(2)(b) to PO Rodriguez, SGT Maneri, PO Zidek, and PO Alicea learned that § 87(2)(b) was not the woman observed in the drug transaction.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

Allegation D – Abuse of Authority: PO Luis Alicea threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that PO Alicea, while questioning her about drugs, told her that they could take her back to the stationhouse and an officer would search her vagina. PO Alicea stated that he did tell her that they could take her to the stationhouse and a woman would search her, but denied telling her that an officer would search her vagina. None of the other officers present recalled anyone threatening to search § 87(2)(b)'s private parts.

§ 87(2)(g)

Allegation E – Abuse of Authority: PO Luis Alicea searched § 87(2)(b)

§ 87(2)(b) stated that, after she was taken out of the car and shortly before she was released, she was searched by PO Zidek. PO Zidek denied searching § 87(2)(b) and both SGT Maneri and PO Alicea stated that PO Alicea searched § 87(2)(b) before she was released. ■

§ 87(2)(g)

§ 87(2)(g)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date